

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1 Dec 22, 2021
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SEAN F. McAVOY, CLERK

5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON
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UNITED STATES OF AMERICA,

No. 2:21-CR-00001-WFN-1

9 Plaintiff,

10 ORDER DENYING DEFENDANT'S
11 MOTION TO MODIFY
12 CONDITIONS OF RELEASE

PETER J. YEAGER,

13 MOTION DENIED
14 Defendant.

15 On December 2, 2021, the Court held a hearing on Defendant PETER J.
16 YEAGER's Motion to Modify Conditions of Release, specifically, Condition No.
17 28, **ECF No. 47**. Defendant appeared out of custody with attorney Stephen
18 Hormel. Assistant U.S. Attorney Timothy Ohms represented the United States.
19 United States Probation Officer Linda Leavitt was also present telephonically.
20

21 Defendant requested that the Court remove the electronic monitoring
22 condition from his pretrial release conditions. Defense counsel presented argument
23 for the modification and Defendant addressed the Court. Defendant cited the cost
24 of the electronic monitoring and the perceived embarrassment from wearing an
25 electronic monitoring device. United States Probation supported removal of the
26 electronic monitoring condition. The United States deferred to the
27 recommendation of United States Probation. The Court then took the matter under
28 advisement.

1 Following the December 2, 2021 hearing, the United States sought to present
2 newly received letters/emails (ECF Nos. 61 and 63) submitted on behalf of the
3 victims in this matter. Accordingly, the Court held an additional hearing on
4 December 15, 2021 to allow the parties to address the newly submitted materials.

5 On December 15, 2021, Defendant appeared out of custody via video
6 conference. Assistant Federal Defender Colin Prince represented Defendant and
7 Assistant U.S. Attorney Dominique Park represented the United States. United
8 States Probation Officer Linda Leavitt was present via telephone. Defendant
9 agreed to proceed via video conference.

10 John Lemus, Vice Chair of the Spokane County Democratic Committee, was
11 present and addressed the Court, objecting to modification of Defendant's
12 conditions of pretrial release on behalf his organization. The Court also considered
13 a communication from another victim sympathetic to Defendant.

14 Defense counsel again presented argument for removal of the electronic
15 monitoring condition and the United States again left the question to the discretion
16 of the Court. United States Probation also continued to be supportive of the
17 proposed modification.

18 The pretrial release condition of electronic monitoring was imposed on May
19 4, 2021 when Defendant was originally released on conditions. ECF No. 31 at 4-5.
20 The electronic monitoring condition necessarily allows United States Probation to
21 track Defendant's whereabouts.

22 The Court finds the electronic monitoring condition to be an essential part of
23 the combination of conditions that provide a reasonable assurance of Defendant's
24 appearance at future court proceedings and a reasonable assurance of the safety of
25 community. *See* 18 U.S.C. § 3142. In other words, in the Court's view, after the
26 Court has taken into account the nature and circumstances of the offense
27 charged, the weight of the evidence against Defendant, as well as Defendant's
28 history and characteristics, including character, physical and mental condition,

1 family ties, employment, financial resources, length of residence in the
2 community, community ties, past conduct and history relating to alcohol and drug
3 abuse, and also criminal history, record concerning appearance at court
4 proceedings, whether Defendant was under supervision at the time of the alleged
5 offense, and the nature and seriousness of the danger to the community posed by
6 Defendant's release, the absence of the electronic monitoring condition tips the
7 balance towards detention rather than release.

8 While it is undisputed that Defendant has not had any serious issues while
9 on pretrial release during the time the electronic monitoring condition has been in
10 place, it does not follow that the electronic monitoring condition is therefore
11 unnecessary. The Court views the electronic monitoring condition as an essential
12 pretrial release condition that imposes a minimum burden on Defendant while
13 serving numerous positive supervision functions, to include acting as a reminder to
14 Defendant that he remains on pretrial supervision, imposing a check on
15 Defendant's behavior and impulses, and reassuring the victims in this case that
16 Defendant's whereabouts are known to United States Probation.

17 Accordingly, for the reasons stated in this Order and during the prior
18 hearings, Defendant's Motion to Modify Conditions of Release, specifically,
19 Condition No. 28, **ECF No. 47**, is **DENIED**.

20 All previous terms and conditions of pretrial release shall remain in full
21 force and effect.

22 **IT IS SO ORDERED.**

23 DATED December 22, 2021.



24 A handwritten signature in blue ink that reads "James A. Goede".
25

JAMES A. GOEKE
26 UNITED STATES MAGISTRATE JUDGE
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